SOUTH CAROLINA LAW ENFORCEMENT DIVISION

4400 BROAD RIVER ROAD
COLUMBIA, SOUTH CAROLINA 29210

POLICY #: 8.12.5	DATE: 09/01/93	REVISION DATE:
TITLE: IMPLIED CONSENT - FUI WARNING		PAGE 1 OF 1

RESPONSIBLE AUTHORITY: SPECIAL AGENT IN CHARGE OF
                         FORENSIC SERVICES LABORATORY

RELATED STANDARDS/STATUTES/REFERENCES: S.C. Code of Laws, Section 55-1-100

GENERAL PURPOSE: To set forth policies for the administration of implied consent breath alcohol tests.

POLICY: The breath test operator will read the Flying Under the Influence (FUI) warning before administration of an implied consent breath alcohol test for a FUI violation.

SPECIFIC PROCEDURES: The Flying Under the Influence (FUI) Warning is to be read to subjects given breath alcohol tests for FUI violations (55-1-100, 1976 South Carolina Code of Laws, as amended). The standard implied consent warning as printed on the breath test form should not be read in this case. The FUI warning is:

"Implied Consent Warning: Subject Advised: I must now tell you that the apprehending law enforcement officer has directed me to give you a breath test. I am trained and certified by the South Carolina Law Enforcement Division - SLED - to give this test. You have the right to refuse to take this test. If you refuse to take this test, you have violated Section 55-1-100 subsection (B), South Carolina Code of Laws, 1976, as amended, and upon conviction, must be punished by a fine of two hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days, or both. The penalties provided for refusal are in addition to those provided for operating or acting as flightcrew member of aircraft while under the influence of alcohol or drugs, in Section 55-1-100 subsection (F), South Carolina Code of Laws, 1976, as amended. You have the right to additional, independent tests. Whether you take this breath test or not, you will be given reasonable assistance in contacting a qualified person, of your own choosing, to conduct any additional tests. You will have to pay for any additional tests."